

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

February 19, 2013

Lyle W. Cayce
Clerk

No. 12-10662
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DOMINGO CASTELLON,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:12-CR-36-1

Before KING, CLEMENT, and HAYNES, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Domingo Castellon raises arguments that he concedes are foreclosed by *United States v. Miller*, 665 F.3d 114, 119-23 (5th Cir. 2011), *cert. denied*, 132 S. Ct. 2773 (2012), which held that “we will not reject [U.S. Sentencing Guidelines Manual § 2G2.2] as ‘unreasonable’ or ‘irrational’ simply because it is not based on empirical data and even if it leads to some disparities in sentencing.” The Government’s motion for summary affirmance is GRANTED, its alternative motion for an extension of

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.